THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 9585 of 2006

09-05-2006

Between:-

Peddiredla Suryanarayana Patrudu

Petitioner

And

The Station House Officer, A.C.B., Vizianagaram, Vizianagaram district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

And

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

W.P.No. 9585 of 2006

Oral order: (Per: The Hon'ble Sri Justice Goda Raghuram)

This is a taken up writ petition on the basis of a telegram dated 27-04-2006 issued by the claimed detenu's cousin alleging that his cousin Pediredla Suryanarayana has been illegally detained by the Deputy Superintendent of Police, A.C.B., Vizianagaram since 22-04-2006.

The Deputy Superintendent of Police, A.C.B., Vizianagaram has filed a counter affidavit this day, which reads as follows:

> *"Due to some property disputes between the alleged detenu and Bonugu Appalanarasamma and others, one Bonugu Tatulu lodged a complaint with Kothavalasa Police Station, Vizianagaram district. In this connection, the S.I. of Police, Kothavalasa Police Station Arava Srinivasa Chakravarthy demanded a bribe of Rs.10,000/- from the alleged detenu on 22-4-2006 to show him official favour (i.e., for not registering a case against him). As the alleged detenu was not willing to pay the said amount to him, he approached me on 22-04-2006 at 11-00 A.M. and lodged a complaint. After due verification, I have registered a case in Cr.No. 9/Rc.ACB/Vzm/2006 which was registered on 22-04-2006 at 5-00 P.M. for the offence under Section 7 read with 13 (1) (b) of Prevention of Corruption Act of Anti Corruption Bureau, Vizianagaram against the accused officer Arava Srinivasa*

Chakravarthy, S.I. of Police, Kothavalasa P.S. and took up investigation. I have organized the trap in the presence of two mediators and accordingly the accused officer was trapped on 22-04-2006 at 8-30 P.M. at Kothavalasa Police Station when he was demanded and accepted the bribe amount of Rs.10,000/-. After conducting the post-trap proceedings, accused officer was arrested at 2-00 A.M. and brought to Vizianagaram and handed over to I Town Police Station. He was produced before III Addl. District & Sessions Judge cum Special Judge for ACB Cases, Visakhapatanam on 23-04-2006 and the learned Judge remanded him to judicial custody. Till the completion of post-trap proceeding, the alleged detenu was with us i.e., 2 A.M. on 23-04-2006. Thereafter, he left for his native place Kotha Sunakarapalem village of Kothavalasa Mandal.

5. I submit that on 24-4-2006 I have filed a Memo before the learned Addl. Judicial First Class Magistrate, Kothavalasa requesting him to record the statement of the defacto complainant under Section 164 Cr.P.C. as the same is required for further investigation. Accordingly the learned Magistrate issued summons to the alleged detenu/defacto complainant on 24-04-2006 asking the defacto complainant/alleged detenu to appear before the learned Addl. J.F.C.M. Kothavalasa and the said summons were served on the alleged detenu on 26-04-2006. Accordingly he appeared before the learned Magistrate on 27-04-2006 and his statement was recorded by the learned Magistrate.

6. I submit that after receipt of communication from the office of the Advocate-General, I have caused enquiries about the alleged detenu and came to know that the alleged detenu is moving freely and he was never detained by anybody as alleged by the petitioner. As such the allegation that the alleged detenu was in illegal custody since 22-04-2006 is false and hereby denied."

In view of the averments in the counter affidavit, there is no case for proceeding further. The writ petition is dismissed. No costs.

GODA RAGHURAM, J

M. VENKATESWARA REDDY,J

Dated:09-05-2006

Pvks/*